

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2275 - HB 2558**

February 23, 2012

**SUMMARY OF BILL:** Requires that all cosmetic or aesthetic procedures or treatments are performed by a licensed physician or osteopathic physician, or delegated by such physician to a person under the supervision of that physician. Requires a supervising physician to ensure that written protocols are developed and updated annually and, for each patient, the following requirements are met: appropriate physical examination, written consent by the patient is obtained, patient understands who the supervising physician is and how to contact the physician, patient is informed if the supervising physician is not on site, and the supervising physician is immediately notified upon discovery of a complication. Declares that it is unethical and a conflict of interest for a physician to supervise a non-physician in the performance of cosmetic procedures or treatments if the physician is employed by or independently contracted with an entity neither owned nor controlled by a physician or group of physicians licensed in this state. Requires the Board of Medical Examiners and the Board of Osteopathic Examination to promulgate rules pursuant to the Uniform Administrative Procedures Act, on or before August 15, 2012, to implement the provisions of this legislation.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- “Cosmetic procedure or treatment” or “aesthetic procedure or treatment” is defined as any procedure or treatment performed for the purposes of modifying or improving, either permanently or temporarily, the appearance of a physical feature, or the alteration of an irregularity or defect, through penetration or alteration of living tissue and is performed solely in order to alter appearance.
- Tattoos, piercings, electrolysis, massages, tanning beds and other procedures which practitioners are specifically authorized by statute to perform are excluded from this definition.
- The Board of Medical Examiners and the Board of Osteopathic Examination will promulgate rules during their regularly scheduled meetings without an increase in expenditures.

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- Ensuring compliance with the provisions of this bill and any subsequent investigations and disciplinary actions will not result in a significant fiscal impact on the Department of Health or the Boards and can be accommodated within existing budgetary resources.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2011, the Board of Medical Examiners had a cumulative balance of \$1,465,207.30 and the Board of Osteopathic Examination had a cumulative balance of \$227,559.19.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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